

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE
FOR THE 30TH JUDICIAL DISTRICT AT MEMPHIS

PETRA L. WATKINS,	§	
	§	JURY DEMANDED
Plaintiff,	§	
	§	
vs.	§	Docket No. _____
	§	
KROGER CO. (THE), KROGER LIMITED	§	Division _____
PARTNERSHIP I and 3503 RP MEMPHIS	§	
WINCHESTER, L.L.C.,	§	
	§	
Defendants.	§	

COMPLAINT FOR DAMAGES

COMES NOW your Plaintiff, Petra L. Watkins, by and through her undersigned counsel of record, and files this Complaint for Damages against the Defendants, Kroger Co. (The), Kroger Limited Partnership I and 3503 RP Memphis Winchester, L.L.C. ("Defendants" hereinafter) and for cause of action would show this Honorable Court the following:

PARTIES

1. On and prior to September 4, 2019, the Plaintiff, Petra L. Watkins, was an adult resident of the City of Memphis, County of Shelby, State of Tennessee.
2. Defendant, Kroger Co. (The), is a foreign, for-profit corporation licensed to do business in and the State of Tennessee, with its principal office being located at 1014 Vine Street, Cincinnati, Ohio 45202-1100. Kroger Co. (The) may be served through its designated registered agent, namely, Corporation Service Company, located at 2908 Poston Avenue, Nashville, TN 37203-1312.

3. Defendant, Kroger Limited Partnership, is a foreign, limited partnership licensed to do business in and the State of Tennessee, with its principal office being located at 1014 Vine Street, Cincinnati, Ohio 45202-1100. Kroger Limited Partnership I may be served through its designated registered agent, namely, Corporation Service Company, located at 2908 Poston Avenue, Nashville, TN 37203-1312.

4. Defendant, 3503 RP Memphis Winchester, L.L.C., is a Foreign, Limited Liability Company licensed to do business in and the State of Tennessee, with its principal office being located at 2021 Spring Road, Suite 200, Oak Brook, Illinois and may be served through its designated registered agent, namely, CT Corporation System, located at 300 Montvue Road, Knoxville, TN 37919-5546.

JURISDICTION AND VENUE

5. Plaintiff's complaint arises in tort under and by virtue of the applicable laws of the State of Tennessee for damages sustained by Plaintiff.

6. This is a Complaint for personal injuries and damages over which this Court has original jurisdiction pursuant to T.C.A. § 16-10-101.

7. Venue is proper in this Court pursuant to T.C.A § 20-4-101 in that the events giving rise to the cause of action occurred in Shelby County, Tennessee.

FACTUAL ALLEGATIONS

8. On or about September 4, 2019, the Defendant, Kroger Co. (The), owned, operated, managed, and maintained the Kroger store located at 7942 Winchester Road, Memphis, TN 38125.

9. On or about September 4, 2019, the Defendant, Kroger Limited Partnership I, owned, operated, managed and maintained the Kroger store located at 7942 Winchester Road, Memphis, TN 38125.

10. On or about September 4, 2019, the Defendants, 3503 RP Memphis Winchester, L.L.C., owned, operated, managed and maintained the premise located at 7942 Winchester Road, Memphis, TN 38125.

11. At the aforesaid time and place, the Defendants, individually and/or by and through its agents, servants, and/or employees maintained the aforementioned premises.

12. At the aforesaid time and place, the Plaintiff, Petra L. Watkins, was a patron/customer of Kroger and lawfully on said premises.

13. At the aforesaid time and place, the Plaintiff, Petra L. Watkins, slipped on a watery substance which caused her to fall to the ground while inside the Kroger store located at 7942 Winchester Road, Memphis, TN 38125.

14. As a result of the fall, Ms. Watkins sustained injuries and damages to her body for which she still suffers pain.

CAUSE OF ACTION

15. At the aforesaid time and place the Defendants, individually and/or by and through its agents, servants and/or employees, had a duty to maintain the aforementioned premises, in a reasonably safe condition for persons lawfully on said premises, to include the Plaintiff herein.

16. Defendants owed an affirmative duty of care to Plaintiff to protect her from unreasonable harm or peril.

17. At the time of the fall described above, there were no signs, cones or warnings of any kind regarding the dangerous condition on the floor.

18. Defendants' agents and/or employees were aware of the condition of the floor or should have been aware of the condition of the floor.

19. Defendants' agents and/or employees knew or should have known that the slippery substance would result in a dangerous condition and cause injury to any reasonably prudent customer.

20. Defendants were responsible for the dangerous condition of the floor that led to Plaintiff's injuries.

21. Upon information and belief, Defendants created the dangerous condition.

22. At the aforesaid time and place, the Defendants, by and through its agents, servants and/or employees, disregarded said duty and/or failed to properly maintain, clean, remove, and/or clear the entrance and exits thereby allowing and/or causing the entrance and exits to become dangerously slippery and unsafe for use.

23. At the aforesaid time and place, the Defendants, as the maintainer of the aforementioned premises, either individually or by and through its agents, servants and/or employees acted with less than reasonable care and was guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) The Defendants failed to exercise due care;
- (b) Failed to warn the Plaintiff and other persons lawfully on said premises of the dangerous condition when Defendants knew or should have known in the exercise of ordinary care that said warning was necessary to prevent injury to the Plaintiff;
- (c) Improperly operated, managed, maintained and controlled its premises in failing to properly maintain the aforementioned entrance and exists on the premises;
- (d) Failed to provide slip guards and/or slip resistant surfaces in the aforementioned entrance and exists of the premises for an unreasonable length of time;
- (e) Failed to make a reasonable inspection of its premises when it knew or in the exercise of ordinary care should have known that said inspection was necessary to prevent injury to the Plaintiff and others lawfully on said premises;

(f) Allowed the aforementioned premises to remain in a dangerously slippery condition, making the entrance and exists unfit for passage, for an unreasonable length of time;

(g) Was otherwise careless and negligent in the operation of its premises.

24. Defendants breached a duty to Plaintiff by failing to remove or warn against the dangerous condition of which it was aware or should have been aware, thereby proximately and directly causing the injuries which Plaintiff sustained

25. As a direct and proximate result of this incident and the negligence of Defendants, Plaintiff has expended monies for treatment of her injuries, and will continue to incur these expenses far into the future.

DAMAGES AND INJURIES

26. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendants, Plaintiff, sustained severe and permanent injuries; and was and will be hindered and prevented from attending to her usual duties and affairs of life, and has lost and will in the future lose value of that time as aforementioned.

27. As a result of the negligent conduct of the Defendants, Plaintiff was rendered sick, sore, lame and disabled and suffered the following injuries and damages:

(a) Severe and permanent injury, either caused, precipitated and/or aggravated by the wrongs complained of, including but not limited to injury to the right knee.

(b) Physical pain both past and future.

(c) Mental and emotional anguish both past and future.

(d) Medical expenses both past and future.

(e) Inability to enjoy the normal pleasures of life, both past and future.

(f) Conscious pain and suffering.

(g) Loss of earnings and earning capacity.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays as follows:

1. That process issue and be served upon the Defendants, requiring them to answer this Complaint within the time allowed by law.
2. That upon trial of this cause, the Plaintiff recovers a judgment against the Defendants for compensatory damages in the amount of \$350,000.00
3. That the Plaintiff be awarded the costs of this proceeding.
4. For such other further and general relief to which the Plaintiff may be entitled.
5. That a jury be empaneled to try the issues when joined.

Respectfully submitted,

THE WALTER BAILEY LAW FIRM

Janika White

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Memphis, TN 38103
(901) 575-8702
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janika@walterbaileylaw.com

**CIVIL
SUMMONS****IN THE CIRCUIT COURT OF SHELBY COUNTY, TN
FOR THE 30th JUDICIAL DISTRICT AT MEMPHIS****PETRA L. WATKINS****Vs.****KROGER CO. (THE), KROGER LIMITED PARTNERSHIP I,
and 3503 RP MEMPHIS WINCHESTER, L.L.C.,****SERVED ON:****THE KROGER CO.***may be served through their designated registered agent, namely,***Corporation Service Company, located at 2908 Poston Avenue, Nashville, TN 37203-1312****Certified Mail : The Walter Bailey Law Firm**

You are hereby summoned to defend a civil action filed against you in the Circuit Court of SHELBY COUNTY, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: _____

Clerk / Deputy Clerk

ATTORNEY FOR PLAINTIFF:**THE WALTER BAILEY LAW FIRM****22 N. Front Street, Suite 1060 • Memphis, TN 38103****Ph: (901) 575-8702 • Fax: (901) 575-8705****NOTICE OF PERSONAL PROPERTY EXEMPTION**

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to _____, _____ Clerk, _____ County

CERTIFICATION (IF APPLICABLE)

I, CIRCUIT COURT CLERK of SHELBY COUNTY do certify this to be a true and correct copy of the original summons issued in this case.

Date _____

Clerk / Deputy Clerk _____

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____

Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff

Plaintiff's Attorney (or Person Authorized to Serve Process)



The Shelby County, Tennessee Circuit Court

Case Style: PETRA WATKINS VS KROGER CO

Case Number: CT-3439-20

Type: SUMMONS ISSD TO MISC

A handwritten signature in black ink, appearing to read "DS".

David Smith, DC

Electronically signed on 08/24/2020 09:14:59 AM

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